

Minutes of Land Use, Parks and Environment Committee
Tuesday, December 14, 2010

Chair Fritz Ruf called the meeting to order at 8:30 a.m.

Committee Members Present: Supervisors Fritz Ruf (Chair), Walter Kolb, James Jeskewitz, Michael Inda, Tom Schellinger, Rob Hutton. **Absent:** Supervisor Ted Rolfs.

Also Present: Legislative Policy Advisor Sarah Spaeth, Legislative Associate Karen Phillips, Planning and Zoning Manager Jason Fruth, Assistant Corporation Counsel MaryLee Richmond, Senior Planner Sandy Scherer, Parks and Land Use Director Dale Shaver.

Approve Minutes of November 16, 2010

MOTION: Jeskewitz moved, second by Schellinger to approve the minutes of November 16, 2010. Motion carried 6-0.

Executive Committee Report of December 13, 2010

Ruf reviewed the items covered at the December 13th Executive Committee meeting. The County Clerk Election System Audit Report discussion was deferred due the absence of County Clerk Nickolaus. It will be rescheduled for a future meeting, most likely in January.

Future Meeting Date

- January 18, 2011

Legislative Update

Spaeth stated that she would report on legislators' committee assignments at the January meeting.

Ordinance 165-O-072: Approve Transfer Of Conditionally Dedicated Outlots For Barker-Johnson Road Extension From Waukesha County To The City Of New Berlin And From Waukesha County To Illing Farms Ltd. Partnership

Fruth and Richmond were present to discuss this ordinance to approve the transfer of 32.4 acres of County-owned land in the City of New Berlin to the City and Illing Farms Ltd., in accordance with a stipulation noted on the Rustic Ridge Subdivision plat. In 1998, Outlot 1 (19.1 acres) and Outlot 2 (13.3 acres) of Block 2 of the Rustic Ridge plat were conditionally dedicated by Illing Farms to Waukesha County for future highway use. The permanent dedication was conditioned upon the County constructing or mapping a County highway through the subject area within twelve years of the transfer date. The intention was to provide a Barker-Johnson Road extension, creating a major arterial connecting the northern and southern parts of the County. Fruth stated in 1998, they were operating under a jurisdictional highway plan as set forth in the SEWRPC 2010 Regional Transportation Plan. That plan showed a four-lane alignment extending from Racine Avenue north into Brookfield, creating a direct connection from I-43 to I-94 and beyond.

The County Board took action relative to the SEWRPC 2020 Regional Transportation Plan to specifically remove the Barker-Johnson Road (County Y) extension from that plan and set forth that the alignment should be removed from future transportation plans. The SEWRPC 2035 Regional Transportation Plan, prepared in 2006, removed the alignment.

Richmond discussed the particulars of the legalities involved. In 2007, attorneys for the Illings began contacting the County for return of the subject property because a potential buyer was interested in purchasing it; however, the County resisted at that time because of the twelve-year stipulation. As twelve years have now passed, the attorneys for the Illings again contacted the County to return the property. After looking at the issue in depth, the County has determined that because the road has not been constructed nor mapped, the appropriate response would be to return the subject properties back to the Illings and the City of New Berlin in accordance with the stipulation on the subdivision plat; alternatively, the case would go to litigation and the County would likely lose.

Kolb agreed there is no choice at this point, but opined there was some mistake/oversight at the County level that this road did not go through; it is a travesty that this has occurred.

MOTION: Kolb moved, second by Jeskewitz, to approve Ordinance 165-O-072. Motion carried 6-0.

Ordinance 165-O-071: Amend The District Zoning Map Of The Waukesha County Shoreland And Floodland Protection Ordinance, For The Village Of Summit By Amending Conditions No. 1 And 32 Of A Previous Conditional Rezoning, (Enrolled Ordinance No. 163-100), For Certain Lands Located In Part Of The NE ¼ Of Section 22, T7N, R17E, Village Of Summit (SZT-1586D)

Fruth explained this ordinance amends the district zoning map of the Waukesha County Shoreland and Floodland Protection ordinance by amending conditions 1 and 32 of a previous conditional rezoning (enrolled ordinance 163-100). Condition 1 (prohibiting any division of the original parcels) shall be deleted. Condition No. 32 (pertaining to the approval of conditional use permits) shall be administered by the Village of Summit, rather than Waukesha County, because of Summit's new Village status.

Fruth pointed out the subject area, located at the southeast corner of Highways 67 and DR., on an overhead aerial map. At the time of development, the owner had intended on retaining ownership of all of the parcels; however, due to the economic changes he has indicated that it is difficult to enter into lease agreements, as individuals are now looking to purchase the sites. The developer has asked for a change to allow division of the parcels. The Village of Summit has approved the change. Because the Village of Summit is still under the County's Shoreland and Floodland Protection Ordinance, approval by the County is required for this text amendment request as outlined in this ordinance.

Ruf asked who the developer is. Fruth stated that Jerry Erdmann is the developer. Inda asked about rumors of a possible gas station in this area. Fruth stated that would require an additional conditional use amendment by the Village, as the current conditional use does not allow for a gas station. Only zoning amendments would be under the County's jurisdiction.

MOTION: Hutton moved, second by Jeskewitz, to approve Ordinance 165-O-071. Motion carried 6-0.

Ordinance 165-O-070: Amend The Waukesha County Shoreland And Floodland Protection Ordinance By Amending Various Sections And Amending The Zoning Violation Forfeiture Schedule (SZ-1459E)

Scherer explained work has been ongoing for some time on this ordinance. The amendments presented are basic cleanup, clarifications, and changes to make administration of the ordinance easier for staff and more understandable for the public.

Kolb asked whether concerns raised by the Metropolitan Builders Association were addressed. Scherer stated most of those concerns were related to NR 115, and work on those amendments is in progress for the 2012 deadline. Kolb raised objections to the timeline imposed by the State for compliance with NR 115. Issues pertaining to NR 115 were discussed at length.

In regard to the zoning forfeiture schedule contained in the ordinance, Schellinger inquired how often zoning violations are reviewed and how often citations are issued. Scherer stated that Corporation Counsel does look at the violations yearly. Scherer explained that although some citations are issued, the overall goal is to gain compliance. When compliance is not met, either citation or long form summons and complaint can be issued, depending on the type of violation. Overall not many citations are issued and every attempt to gain

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compliance is made instead. Scherer continued to answer some general questions about specific examples of violations.

MOTION: Jeskewitz moved, second by Inda, to approve Ordinance 165-O-070. Motion carried 6-0.

MOTION: Jeskewitz moved, second by Inda, to adjourn at 9:07 a.m. Motion carried 6-0.

Respectfully submitted,

Jim Jeskewitz,
Secretary